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tified are sustained by evidences which need far more than Jhering has presented to overthrow them.* Indeed we are not apt to grasp the true character of the ancient life as it was lived until we have translated ourselves into an atmosphere of superstition, incantation and ceremonialism that goes with bloody sacrifices and barbaric impulse.†

Having launched out in the field of pure speculation, Jhering opened himself to the danger which speculation holds in store for its votaries; he failed to establish anything that one is safe in laying hold of and adopting as established.

This posthumous production comes forth in a fragmentary form. Jhering was aware of its tentative nature, though he did not on this account appear to doubt the correctness of his views. If he had been spared to finish the work he might have avoided some of its discrepancies. But, however much he might have added to the line of discussion pursued, and whatever increased interest and instruction his work might thereby have afforded, he still would have been unable to fill in the enormous hiatus which exists in this long period, by tracing back Roman customs and beliefs to a period of barbarism and herding life nor to a conjectured migration lasting over a thousand years.

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The Origin and Growth of the Moral Instinct. By ALEXANDER SUTHERLAND, M. A. Two volumes, pp. xiii, 461; vi, 336. Price, \$8.00. London: Longmans, Green & Co., 1898.

Mr. Sutherland aims at demonstrating the truth of Adam Smith's theory that sympathy is the basis of the moral sense, by a comprehensive induction covering the fields of zoölogy, physiology, sociology, law, psychology and philosophy. He admits in his preface that one who would deal with so many sciences "must content himself with a very moderate depth in each," and his pages may betray to those more familiar with other sciences the "lack of technical knowledge" which, so far as psychology and philosophy are concerned, is painfully evident to the reviewer. Yet the book contains a large amount of valuable material systematized with a degree of care for which many who do not agree with Mr. Sutherland's conclusions will be grateful.

* *Evolution of the Aryan*, 41-48.

† Cp. Brinton, *Religions of Primitive People*; Smith, *Religion of the Semites*; Post Bausteine, etc.; Cp. Spencer, *Principles of Sociology*, Parts I, IV and V.

Parental care, he tells us, is the root of sympathy and therefore of the moral sense. In the lower fishes, which manifest no parental care, the maintenance of the species is assured by the enormous number of eggs laid by each female, a very small percentage of which reach maturity. As we advance in the scale of life parental care appears and with its appearance the number of eggs or of young diminishes. Among the higher fishes and reptiles two forms of parental care come to view, nest-building, and the retention of the eggs within the body of the female until maturity. The former type becomes characteristic of the birds and the latter of the mammals. But in both birds and mammals the further development of parental care into parental sympathy or love makes the prolongation of infancy possible, and upon this latter in turn rests the possibility of a higher development of the nervous system and a more complete equipment for the duties of life.

From parental springs conjugal sympathy. The indiscriminate gratification of sexual needs which marks the lower forms of life gives place, in the higher birds and mammals as well as in man, to relatively permanent unions based as much upon sympathy as upon the tie of sex, and we can note in these unions, with the advance of mankind, a progressive increase in the intensity and binding force of sympathy. To it is due the decline of marriage by purchase, the rise in the status of woman and the development of the ideal of male chastity.

The sympathetic capacity which has been thus developed in the parental and marital relations makes itself felt in other directions, constantly increasing its scope and successively including within it brothers and sisters, kinsfolk, friends, townsfolk, countrymen, until it embraces the whole human race, nay, even the lower animals. With this growth savagery in warfare diminishes, the conditions of life are ameliorated and co-operation on a large scale becomes possible.

Thus sympathy is the moral sense in the rough and from it the more recondite forms of the moral sense are easily derived. The sense of duty is an instinctive sense of what the average sympathy of the community would dictate. Conscience is that same sense invoked in judgment upon one's own acts. The appreciation of the "beauty of holiness" has arisen precisely as all other æsthetic feelings have arisen, through the inexorable elimination of those that found pleasure in the non-preservative.

The sphere of law and of responsibility is not properly included within that of morality. The moral sense and the sense of responsibility are alternative methods of attaining the same end, hence conduct inspired by the sense of responsibility to law, while it may

be identical with that which sympathy would prescribe, is to be termed rather quasi-moral than moral. This distinction is further obscured by the fact that the sense of responsibility can be traced to two sources,—one, the perihestic type, originating within the family under the authority indeed of the *paterfamilias* but qualified by the sympathies arising out of the family relation and therefore partaking of the moral quality,—the other, the aphestic type, originating in the clash of family with family and tribe with tribe, inspired by fear and therefore non-moral. Modern law is in the main descended from the latter type. Law is therefore in no sense the source of morality, nor has morality had much to do with the evolution of law. Only at a relatively late period do we find the expanding moral sense of the community making itself felt in legislation.

Sympathy is an imitative participation in the emotions or experiences of others. It is always emotional in character, and in common with all other emotions is nothing more than the consciousness of certain bodily processes which are reflexly consequent upon certain stimuli. The processes are always vasomotor, and belong to two types—in the one the blood is withdrawn from the periphery and concentrated in the viscera, in the other it is withdrawn from the viscera and concentrated in the muscles and skin. These antithetical processes are intended to adjust the organism to two diverse sets of conditions, the one requiring passivity, the other action. Hence, all emotions fall into two groups, the depressing and the exciting.

Right conduct in a given period and among a given people, is that which forms between the self-preserving and the moral instincts a compromise such as is reasonable for that time and among that people. There is no instinct of right conduct, although conduct dictated by such a compromise is more frequently approved than that dictated by the self-seeking instinct. In the system of things there is neither right nor wrong. These are distinctions which exist in society only; abstracted from society they are meaningless.

Yet, let no one suppose that this analysis debars us from thinking of the system of nature as moral, from conceiving right and wrong as eternally inherent in it and acting in accordance with that conception. For a metaphysical analysis reveals the fact that all the attributes which we ascribe to things, colors, size, extension, motion, causation, etc., are in reality but subjective modifications of our own minds. Yet we continue to think of nature as possessed of all these attributes, and in no other way would it be possible to live our lives. So also of the moral attributes of nature. If they are as real as extension, form, matter, etc., we may well afford to ignore in practice their essential subjectivity, although we are forced to recognize it in theory.

Such in brief is Mr. Sutherland's argument. That it is open to criticism in many points is obvious, but it is not possible to develop those points within the limits of a review. The book displays the faults inseparable from the work of an amateur, especially a lack of nice discrimination between concepts which are similar but essentially distinct, and a defective acquaintance with the work of other men in the same field. To the first caption belong Mr. Sutherland's identification of sympathy and love, his genesis of conjugal from parental love, and his tendency to confuse "right conduct" with "conduct prompted by sympathy," a distinction which in some passages he explicitly recognizes. To the second Mr. Sutherland owes his claim to be accounted one of the original discoverers of the somatic character of the emotions, a discovery which James and Lange published in 1884 and 1885, as well as his inability to give any explanation of the nature of imitation. The most valuable part of the book lies in the rich mass of statistical material which Mr. Sutherland has not only collected and tabulated with infinite pains, but has also enriched by many original and suggestive observations.

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An Essay on Western Civilization in Its Economic Aspects (Ancient Times). By W. CUNNINGHAM, D. D. Pp. xii, 220. 8vo. Price, \$1.60. Cambridge University Press, 1898.

In an introductory chapter Professor Cunningham lets the reader feel, without specifically pointing them out, the peculiar difficulties in the way of a satisfactory treatment of the economic history of ancient times. Not only are sources of information meagre or in some instances wholly wanting, but owing to the predominant militarism of ancient nations and their isolation one from another it is impossible to trace general tendencies in development or to employ an analytic method. The treatment is necessarily chronological and national. Professor Cunningham's essay thus falls naturally into three parts corresponding to the three principal civilizations of antiquity, viz.: those of Egypt, Greece and Rome.

The story of Egyptian economic life is possibly the least interesting chapter of the book. Material is of course scanty, and, even were it more abundant, it could tell only of activities which from the economist's point of view are extremely rudimentary. Little more than an account of agriculture and a catalogue of public works can be included in this chapter of history. Of Judæa and Phœnicia, which are discussed in subsequent sections not much can be learned. True, commerce